

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

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Preparation, Adoption, and Submittal of State Implementation Plans;

Appendix M, Test Methods 204, 204A - 204F

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule adds seven methods to Appendix M of 40 CFR Part 51 for capture efficiency (CE) testing to assist States in adopting enforceable CE measurement protocols into their State implementation plans (SIP's) for ozone. These proposed methods, in conjunction with the protocols, would also improve EPA's ability to enforce State regulations to reduce volatile organic compounds (VOC) emissions in ozone nonattainment areas.

EFFECTIVE DATE: These methods are effective \_\_\_\_\_  
(the date of publication in the FEDERAL REGISTER).

ADDRESSES: Docket. A Docket A-91-70, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. - 5:30 p.m., Monday through Friday, at the EPA's Air Docket Section Mail Code: 6102, Room M-1500, Waterside Mall (ground floor), 401 M Street, S.W., Washington D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Candace Sorrell, Source Characterization Group A (MD-19), Emissions, Monitoring, and

Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-1064.

#### SUPPLEMENTARY INFORMATION:

##### I. The Rulemaking

This rulemaking proposes to add seven methods for measuring CE to Appendix M of 40 CFR Part 51 to provide methods that States can use in their SIP's.

##### II. Public Participation

The opportunity to hold a public hearing on August 30, 1995 at 10 a.m. was presented in the proposal notice, but no one desired to make an oral presentation. The public comment period was from August 2, 1995 to October 2, 1995.

##### III. Electronic Access

The background information document for the promulgated test methods is available on the Technology Transfer Network (TTN) on the EPA's electronic bulletin boards. The document is entitled "Summary of Comments and Responses for Methods 204, 204A-F." If necessary, a limited number of copies are available from Candace Sorrell, MD-19, U.S.EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-1064.

##### IV. Significant Comments and Changes to the Proposed Rulemaking

Six comment letters were received from the proposal rulemaking. A detailed discussion of these comments is contained in the background document entitled "Summary of Comments and Responses for Methods 204, 204A-F," which is referred to in the

SUPPLEMENTARY INFORMATION section of this preamble. The major comments raised in these letters and the Agency's responses follow.

One commenter points out that even though Methods 204B and 204C measure the same parameter, captured VOC stream, the applicability sections of the methods were not consistent with respect to what type of material balance is permissible.

The EPA reviewed the applicability section for both methods and determined that there was an error in Method 204B. Method 204B is intended to be used only in a gas/gas protocol, not in a liquid/gas protocol. The method has been revised to correct this error.

One commenter suggests for Method 204D, section 8.2.4, and Method 204E, section 8.4, that EPA make it explicit that if on site gas chromatography (GC) is used as an alternative to flame ionization analyzers (FIA) than GC must also be used to measure the VOC concentration of the other gas or liquid streams.

The Agency agrees that further explanation is needed to explain that if a facility is conducting a gas/gas test and chooses to use the alternative GC procedure, it must use the GC procedure for both the captured and fugitive stream. If a facility wishes to conduct a liquid/gas test using GC, the facility must use Method 204F for the liquid stream. A GC is not an acceptable alternative to the FIA in Method 204A.

Another commenter suggests that Figure 204-1 of Method 204

be expanded to address capture efficiencies less than 80 percent since lower values are allowed in the current Reasonably Available Control Technology (RACT) rules.

The EPA agrees that further guidance is needed and has added an equation to section 7.2 to help in estimating the ventilation rate at different capture efficiencies.

Three commenters mention that Method 204A, section 11, the estimated uncertainty of 12 percent for the VOC fraction seemed too high.

The EPA went back and reviewed the method evaluation report and discovered that the 12 percent is an error. The estimated uncertainty for this method is 4.0 percent. The method has been revised to correct this error.

Two commenters note that several references in Method 204, sections 5.5 and 6.1, were incorrect.

The EPA agrees that several references in those sections are incorrect. The method has been revised to correct these errors.

A commenter suggests that section 8.4 of Method 204 be revised to be consistent with the Aerospace NESHAP concerning the verification of air flow direction.

The EPA agrees with the comment and the method has been revised to reflect these changes.

One commenter feels that dilutions systems calibrated using Method 205 should be allowed without approval of the Administrator in Methods 204A-E, section 5.1 and

Method 204F, section 5.3.

The EPA agrees that calibration gas can be prepared using dilution systems calibrated using Method 205 without approval of the Administrator and the methods have been revised.

A commenter requested that Methods 204A-204F be revised to not automatically invalidate the CE results if the drift check is in excess of the proposed 3 percent calibration drift requirement. In such situations the method should allow the FIA to be recalibrated and whichever calibration results in the "worst case" results be reported.

The EPA agrees with the comment and the methods have been revised.

One commenter suggests that Methods 204A-E, section 5.1.1 and Method 204F, section 5.3.1, be revised to allow for the use of hydrogen in air if appropriate adjustments are made to eliminate the oxygen synergism effect.

The Agency agrees that alternative mixtures should be allowed if the user can demonstrate to the Administrator that there is no oxygen synergism effect. The method has been revised to allow alternative mixtures.

One commenter notes that in Methods 204, 204A-F the term "fugitive emissions" is used in a manner inconsistent with the definition contained in 40 CFR 51.165(a)(1)(ix). The commenter suggests the word "fugitive" should be changed to "uncaptured."

The Agency agrees and the methods have been revised to change "fugitive" to "uncaptured."

A commenter feels that in Method 204A and 204F the required accuracy of the input weight determinations should be changed to allow the balance/digital scales to weigh within 2 lbs instead of the proposed 0.2 lb.

The Agency believes that it is very important to get an accurate measurement of the amount of coating used during a test and that scales that read to within 2 lbs are not accurate enough in most test situations. However, after reviewing this issue, the Agency also feels that the 0.2 lb limit may be too restrictive in some situations. Therefore, the method has been revised to read "within 0.2 lb or 1.0 percent of the total weight of VOC liquid used."

The EPA has recently discovered that the pressure drop specified in section 8.3 of Method 204, which is suppose to correspond to the minimum required face velocity of 3,600 m/hr (200 fpm), is too low. According to the twenty first edition of the "Industrial Ventilation" handbook dated 1992 the required pressure drop is 0.013 mm Hg (0.007 in. H<sub>2</sub>O). Therefore, Method 204 has been revised to reflect this finding.

#### IV. Administrative Requirements

##### A. Docket

The docket is an organized and complete file for all information submitted or otherwise considered by EPA in the development of

this promulgated rulemaking. The principal purposes of the docket are: (1) to allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process, and

(2) to serve as the record in case of judicial review (except for interagency review materials) [Clean Air Act Section 307(d)(7)(A)].

B. Office of Management and Budget Review

Under Executive Order 12866 (58 FR 51735 October 4, 1993), the EPA is required to judge whether a regulation is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of this Executive Order to prepare a regulatory impact analysis (RIA). The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of the Executive Order, this action has been determined to be "not significant."

C. Regulatory Flexibility Act Compliance

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. The EPA has also determined that this rule will not have a significant adverse impact on a substantial number of small businesses. This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. As such, it will not present a significant economic impact on a substantial number of small businesses.

D. Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Paperwork Reduction Act

The rule does not change any information collection requirements subject of Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501



et seq.

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for significantly or uniquely impacted by the rule.

EPA has determined that the action proposed today does not include a Federal mandate that may result in estimated costs

of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector, nor does this action significantly or uniquely impact small governments, because this action contains no requirements that apply to such governments or impose obligations upon them. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

List of Subjects

Air pollution control, volatile organic compounds, capture

efficiency, surface coating operations, and printing operations.

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Date

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Administrator